

Court of Appeals, State of Michigan

ORDER

Paul Anderson v Village of Pentwater Zoning Officer

Docket No. 260463

LC No. 04-004738-AA

Richard A. Bandstra
Presiding Judge

Janet T. Neff

Joel P. Hoekstra
Judges

Intervenors' motion for leave to file a late answer is GRANTED. The answer filed on March 2, 2005 is accepted for filing.

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the January 10, 2005 order of the circuit court is VACATED and the matter is REMANDED to the court for REINSTATEMENT of the Andersons' appeal. The June 28th decision of the ZBA, while a final decision, was not a final decision with regard to the 5,000 square feet minimum lot size requirement. The October 4, 2004 decision of the ZBA was the final decision for purposes of the 5,000 square feet minimum lot size requirement as it was at this latter hearing that the issue was raised before and addressed by the ZBA.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 21 2005

Date

Sandra Schultz Mengel
Chief Clerk